

MEETING # 9 March 7

At a Joint Meeting of the Madison County Board of Supervisors on March 7, 2007 at 7:30 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman
James L. Arrington, Vice-Chairman
William L. Crigler, Member
Bob Miller, Vice Chairman
Clark Powers, Member
V. R. Shackelford, III, County Attorney
Lisa R. Kelley, County Administrator

Chairman, Eddie Dean called the meeting to order and stated the following cases would be discussed tonight:

Case #S-03-07-07, which is a request by G. Scott Lohr for a plat of a subdivision of land to create one (1) lot with residue on Route 715 near Rochelle, zoned Residential, R-1. The final plat has Health Department and Virginia Department of Transportation approval.

Scotty Lohr was present and stated he had nothing further to add to the aforementioned request.

Rodney Lillard asked if there were any additional requirements sought by the Madison County Health Department.

Betty Grayson, Zoning Administrator, stated she met with Dwayne Dixon, Environmental Health Specialist of the Madison Health Department, today and was informed there is no regulation on how far a septic has to be from a cemetery but there is a regulation on a well. Mr. Dixon stated this particular case was alright with that distance.

Scotty Lohr stated the cemetery was located approximately one hundred feet (100') from the location of the well.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye

William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-03-07-08, which is a request by Nora Virginia Tucker Life Estate & M. James Tucker for a plat of a subdivision of land to create one (1) lot with residue on Route 620 near Madison Mills, zoned A-1. The final plat has Health Department and Virginia Department of Transportation approval.

Jason Smith was present and stated he had nothing further to add to the aforementioned request.

Pete Elliott was present and asked if Dwayne Dixon of the Madison County Health Department made any comments regarding the road crossing over the drain field.

Jason Smith stated there were no comments made regarding this issue; he stated there used to be an old trailer in that location that has been removed.

Pete Elliott also verbalized concerns if the roadway will remain.

James Ballard asked if the plat being reviewed tonight was different from the one previously presented to the Madison County Planning Commission.

Betty Grayson, Zoning Administrator, stated the plat containing a copy of the drain field was signed by Dwayne Dixon of the Madison County Health Department on January 7, 2007.

James Ballard stated he was reluctant to pass this case to the Madison County Board of Supervisors for approval on the basis the request does not appear to be in accordance with the County's current Ordinance; he asked if these issues were raised with Dwayne Dixon prior to tonight's meeting.

Betty Grayson stated the copies the Commissioners have are the same copies as the record copies with Mr. Dixon's signature of approval.

James Ballard asked if there were any concerns about the road crossing the drain field.

Betty Grayson, Zoning Administrator, stated she did not feel Dwayne Dixon would have signed the plat if there were issues regarding the applicant's request as he is generally very thorough in examining all aspects of the plans presented for approval.

Pete Elliott verbalized whether the drain field work was performed by Dwayne Dixon or a Soil Scientist.

Betty Grayson, Zoning Administrator, explained this would not have any bearing on Dwayne Dixon's decision to approve the plans for any particular case.

James L. Arrington recommended this case contain some reference pertaining to the established policy(ies) with regard to a roadway being situated across a drain field.

Bob Miller asked V. R. Shackelford, III, County Attorney, for input on this situation.

V. R. Shackelford, III, County Attorney stated a roadway cannot be situated across a drain field; however, since the plans were signed and approved by the Madison County Health Department, the Madison County Board of Supervisors will have to rely on the expertise of that department.

Bob Miller asked if there was a set method to be utilized in the event an error has been made by the reliable authority.

V. R. Shackelford, III, County Attorney, stated in the event an error has been made, the Madison County Board of Supervisors has the right to review the case and the approving majority can have a particular case reconsidered; however, he stated he did not feel it was fair to hold up an applicant's request under the assumption there might be an error made on behalf of the Madison County Health Department.

V. R. Shackelford, III, County Attorney further stated if an error is discovered, there is a procedure that can be undertaken in a timely manner (i.e. next scheduled Joint Meeting) in which planning commission matters are address.

Betty Grayson, Zoning Administrator, stated she will contact Dwayne Dixon tomorrow regarding these issues.

Chairman, Eddie Dean stated he and Lisa Kelley, County Administrator, have asked Dwayne Dixon to attend the Regular Board Meeting at 4:00 p.m. to discuss another matter and will also ask about tonight's case concerns.

Bob Miller advised the road being discussed on this particular case is shown on the County's GIS mapping system which he feels is of great significance.

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-03-07-09, which is a request by Michael H. or Lucille C. Carpenter for a plat of a subdivision of land to create two (2) lots with residue on Route 607 near Oak Park, zoned A-1. The final plat has Health Department and Virginia Department of Transportation approval.

Carl Broyles, Realtor, was present on behalf of the applicant and stated there was nothing further to add regarding the aforementioned request.

After discussion, on motion of Clark Powers, seconded by James L. Arrington, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Chairman, Eddie Dean stated this concludes all cases from the Madison County Planning Commission meeting.

Chairman, Eddie Dean stated the Public Hearing on the Six Year Road Improvement Plan will now be discussed and opened the floor for a presentation by Donald Gore, Resident Engineer, of the Virginia Department of Transportation.

Chairman, Eddie Dean thanked all citizens for attending tonight's Public Hearing and advised the manner in which for forum would be conducted.

Donald Gore was present and stated this has been the most difficult year for road planning noted in his years of service with the Virginia Department of Transportation.

Donald Gore advised the public that tonight's forum will consist of approving the Priority List as has been done in past years.

Donald Gore stated he provided the Madison County Board of Supervisors with a copy of the financial plan and budget for the fiscal year of 2008 at the last meeting; he stated when he provided the Board with a list of estimated allocations during the last month for FY 2008, there was \$786,545.00 to be utilized; however, it was noted this morning the funding has been decreased to \$609,000.00 with the federal obligation still being in place – the total funding amount for Six Year Road Improvement for FY 2008 through 2013 will now be \$2,801,000.00, which is a decreased from the previous amount of \$3,498,621.00 (reduction of \$693,621.00).

Donald Gore read the following comments contained in the letter he received from the Central Office of the Department of Transportation regarding the Six Year Road Improvement Plan:

- a) Funding amounts are based on the official transportation revenue forecast as noted from December 2006;
- b) Preliminary estimates reflect a reduction of more than twenty percent (20%) of secondary and urban systems;
- c) More than sixty percent (60%) of available funding through secondary and urban projects is federal;
- d) HB 3202, the transportation funding bill, has yet to be enrolled.
- e) There is not significant new funding for the secondary urban road system.

Donald Gore stated he expects to receive more details on an incremental increase in the coming weeks – these figures will be incorporated into the transportation budget and processed; he stated what has been presented to the Virginia Department of Transportation is a “trial budget” as there may be a fluctuation in the final amount of funding.

Donald Gore all improvements to Routes 604 and 603 have been completed; the number one priority on the list currently is Route 642; however there is not enough funding at the present time on this route to allow for the advertisement of

construction – the current advertisement date is scheduled to occur in November 2008 and will be initiated during the construction season of 2009.

Donald Gore stated it is unclear at the present time how the reduction in funding will affect the proposed road plan; however, this will solely depend on what takes place once the Governor finalizes the Transportation Bill – all available funding that is not utilized for federal aid projects will be placed on Route 642 to initiate the work.

Donald Gore provided the following overview from the Six Year Road Improvement Plan:

- a) Routes 603 and 604 are complete;
- b) Route 642 – construction to be advertised for 11/08 w/work being initiated during the 2009 construction season;
- c) Route 662 – funding available widening
- d) Route 780 – incorporate change in sloping - \$22,000.00 to be allotted
- e) Route 695 – now qualifies after being noted as a “rural minor collector”
- f) Route 721 – noted as a priority project
- g) Route 708 – no “up front” funding listed but will be provided for required work
- h) Bridge on Route 621 added as a result of being a “federal qualifying property”
- i) Route 662 – all renovations are complete
- j) Route 744 & 745 (Happy Hills Subdivision)

Donald Gore stated the funding amount for the above referenced improvements totals \$85,033.00; however this had to be changed due to the fact that all projects must be completely financed and paid in full during the year of completion.

Donald Gore indicated the remaining projects included in the Six Year Road Improvement Plan are “county-wide” items that need to be included; he stated there have been two (2) types of funding utilized in the past (i.e. unpaved road & regular funding) and all unpaved road funds must be depleted for unpaved roads only and there is no longer any flexibility in how to utilize these funds (current funding categories consist of “state, federal, unpaved).

Donald Gore advised the Board there may be additional adjustments and stated he will be happy to answer any questions.

Clark Powers asked if there are still preparations being made in legislation in Richmond.

Donald Gore stated he was informed that legislation has passed the proposed FY 2008 Budget and have forwarded it to the Governor for adoption; therefore, the Virginia Department of Transportation is unable to provide additional information at the current time.

Chairman, Eddie Dean stated it appears there will be \$291,000.00 to be applied on unpaved and other state roadways.

Donald Gore stated there will only be \$167,000.00 for unpaved roads after today's reductions are applied.

Chairman, Eddie Dean stated when the Six Year Road Improvement Plan was composed, it was anticipated that Madison County would have about \$800,000.00 in funding.

Donald Gore stated the last plan indicated funding of \$386,000.00 in state funding and \$400,000.00 in federal funding which has been decreased significantly.

Chairman, Eddie Dean asked if the current proposed figures in each category reflect a decrease in the same percentage, to which Donald Gore replied was correct.

Donald Gore stated since 1987, construction costs have increased 82.2% with a 28% increase being noted in 2004.

Chairman, Eddie Dean then opened the floor for public comment.

Bud Kreh was present and verbalized concerns as to whether the reduced figures were the result of the absence of a current transportation budget being approved.

Donald Gore stated the anticipated revenue has been based on the forecast for December 2006 as there has not been approval of HB 3202 for transportation funding to date.

Bud Kreh asked if the transportation bill is approved, will new figures be provided by the Virginia Department of Transportation; therefore, he stated it would seem difficult to make a decision based on the figures being provided at this time.

Donald Gore stated the proposed plan will need to be approved although the FY 2008 Budget has not been approved; he stated he will provide the Board with any funding changes.

Charles Turner was present and stated he resides on Route 706 (Turner Drive) and asked to know why the roadway is so narrow; he stated he ditches have not been cleaned and the roadway is only about twenty-five feet (25') in width which makes it impossible for a private vehicle and a tractor trailer to pass on the road; he further stated a culvert was installed but has sunken in the mud as there are no side drains along the road.

Donald Gore advised he was in agreement with the concerns being verbalized by Mr. Turner, as the road does need ditches and much improvement; he stated the Virginia Department of Transportation is allotted a certain amount of funding to perform ditching throughout the year in any given locality – he stated the number of miles of ditches in Madison County far exceed the total amount funding that is allocated; however, he stated he will add these concerns to the list and stated there are environmental issues regarding ditching – these areas must first be investigated by environmental personnel before the Virginia Department of Transportation can move forward on this task.

James L. Arrington stated Jimmy Clore of the Virginia Department of Transportation has been assisting with moving gravel on Turner Drive at the request of the Madison County Board of Supervisors during the past several years – he thanked Mr. Clore for providing this service to Madison County.

Donald Gore stated he will review the roadway but does not feel anything can be done at the present time to the entire road surface.

Clark Powers asked about liability issues in the event a serious incident occurred on Route 706, to which Mr. Gore replied “there is none.”

Doris Turner was present and stated she travels Route 706 daily – she stated the roadway is in terrible condition; she stated there are tractor trailers that constantly travel on the route, there have been several new families relocate to the area, school bus, and mail carriers that travel the road and it's filled with potholes. She stated she called Mr. Clore and he came down during the past week to view the road and agreed

the road is “really bad”; she stated Mr. Clore had a load of gravel put down; however, the gravel has receded and the potholes have resurfaced again. Mrs. Turner presented a petition that was signed by all the current residents living on Turner Drive requesting upgrades to the road – she stated this issue will only become worse if this issue is not addressed. In closing, she stated the landowners have stated they are willing to donate land, if needed, in order to build a suitable roadway in the area. In closing, she stated she has resided on the road for over forty (40) years and stated the residents are present tonight to express appreciation for the past efforts to improve the roadway; however, all residents feel it is now time to do something to improve Turner Drive – she thanked the Madison County Board of Supervisors and Donald Gore for their attention to this matter.

Nancy Headley was present and stated another request the families on Turner Drive is in the event the roadway cannot be widened and paved, then perhaps the Virginia Department of Transportation could periodically grade the roadway and gravel it in order to eliminate the potholes from developing.

Michael Lynch was present and stated he owns a cabinet shop and property at the end of Turner Drive; he stated he is concerned about a “spring” (extremely soft spot) in front of on of the homes; he stated there is poor sight distance to the left of the stop sign at his end of Turner Drive and feels this needs to be addressed.

Elizabeth Turner was present and stated Turner Drive is in terrible condition and there are several places on the road that contain large ditches – she feels someone traveling on the road who is not familiar with the condition will end up in the ditch if they try to pass another vehicles; additionally, the condition is much worse when there is rain or snow due to the potholes. In closing, she stated the citizens would be greatly appreciative if some assistance can be provided.

Peggy Turner was present and verbalized concerns as to why Turner Drive was not listed on the Six Year Road Improvement Plan presented by Donald Gore of the Virginia Department of Transportation – she stated she was under the impression that Turner Drive was already included on a “list” which she stated she has spoken with a member of the Madison County Board of Supervisors in the past. In closing, she asked for an explanation as to why Turner Drive was not on the list when the residents were advised that it was to be included on a list.

Donald Gore stated he was aware the resident of Turner Drive have been present for a number of years asking about the condition of the road and wanting to be included on the list; however, he added he was uncertain as to what “list” Turner Drive was included on and stated he would return to his office to review past lists. He provided an overview as to how roads are included on the Six Year Road Improvement List and how roads are carried over every six (6) or seven (7) years.

Peggy Turner asked if Turner Drive was on a “list” why was the road not included on the most recent list.

Donald Gore stated several years ago, Madison County (and other Counties) included roads to the Six Year Improvement Plan on a ten (10) to twelve (12) year list – as funding is decreased and renovation costs increase, the span to improve roads is narrowed; he stated the Virginia Department of Transportation reviews the roads and available funding and pull roads to be renovated as funds are available based on priority. In closing, he stated he would review listings from the late 90’s forward and see if Turner Drive was included on any of the lists – he stated he knew residents from Turner Drive have appeared with concerns about this particular roadway.

Donald Gore stated there were concerns verbalized by Charles Turner with regards to the fact that Turner Drive was relatively narrow, to which he agreed; he asked Chairman, Eddie Dean if it would be possible that a citizen living on Turner Drive would provide the Virginia Department of Transportation with a two hundred foot (200’) easement which would provide a place for citizens to pull into should they meet another vehicle on the roadway to allow for adequate passing and would like to converse with any property owner(s) interested in pursuing this option.

Donald Gore stated as pointed earlier, it has been the practice of the Madison County Board of Supervisors to follow past the procedures established for handling roads listed on the Six Year Road Improvement Plan.

Hank Holley was present and stated he has concerns as to who (Madison County Board of Supervisors) will be the liaison for the residents of Turner Drive in dealing with the Virginia Department of Transportation?

Chairman, Eddie Dean stated Lisa Kelley, County Administrator, will be the liaison for the Madison County Board of Supervisors in verbalizing concerns on behalf of the Madison County Board of Supervisors.

Lajuan Turner was present and also asked who would be liable should someone be hurt on the roadway as a result of its current condition.

Donald Gore stated he assumed the parties involved would be responsible – he stated the Virginia Department of Transportation does not have access to required funding to upgrade the road from its current state – he advised he will be in agreement to work with a landowner wishing to donate land to provide an easement.

Lajuan Turner stated the roadway doesn't have a set speed limit – she advised there are some individuals who drive rather fast on the roadway and suggested a speed limit be posted on behalf of the Virginia Department of Transportation; she also expressed concerns about the narrow condition of the roadway which makes it impossible for two vehicles to pass.

Donald Gore stated advised the Six Year Road Improvement Plan includes projected work at the intersection of Route 614 and 706 during the year of 214 – he advised that funding for roadway projects fluctuates tremendously.

Nan and Dennis Coppedge were present and verbalized concerns about Route 642 (Duet Road) and stated this Route has been included on the Six Year Road Improvement Plan since the mid 1990's – she advised although roads are added to the plan, fluctuating in funding delays fluctuations; she also verbalized concerns regarding the funding, it may be a while before anything is done. She proceeded to comment on the condition of Duet Road (i.e. potholes, washed away gravel, poor drop off, etc.) and feels Route 642 is a connector between Hoover Road and Route 231 which should warrant it higher priority. In closing, she stated the longer there is a delay in improving Duet Road, the more expensive the cost of improvements will cost; therefore, she suggested some action occur to shift funding or apply attained funding to improve Route 642 earlier than what is designated in the current plan.

Chairman, Eddie Dean stated the Board anticipates some increase in funding may be implemented by the Governor and state legislators.

Donald Gore stated if additional monies are received, this will be

designated to Route 642.

Chairman, Eddie Dean asked if current funding will be utilized for regular maintenance only.

James L. Arrington stated that Turner Drive has continually had potholes fixed for the past several years; he asked if the roadway can be paved utilizing maintenance funds, to which Donald Gore stated it could not.

Chairman, Eddie Dean closed the Public Hearing for comments.

Chairman, Eddie Dean advised the public of the following annual road funding totals:

2008	\$609,000.00
2009	\$472,000.00
2010	\$369,000.00
2011	\$441,000.00
2012	\$441,000.00
2013	\$469,000.00

Chairman, Eddie Dean stated the above referenced increased will probably not survive based on the past history of road funding; he also advised that state funding for secondary roads has been on a steady decline for the past several years – he feels this is the beginning of localities being responsible for roadway improvements.

Chairman, Eddie Dean also advised it can be difficult to accept funding being utilized for projects that do not appear as pressing to certain individuals; however, he stated this issue has been discussed at an earlier meeting and he and Lisa Kelley, County Administrator, will be pursuing available options to assist with projects that need to be addressed in the rural areas of Madison County.

Chairman, Eddie Dean advised the public that Donald Gore is the “messenger” and the Board must take action on the proposed plan being discussed tonight in order to utilize what funding is available at the present time; however, the Board will revisit this plan should increased funding be awarded and can be allocated to address other projects.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the Board approved the Six Year Road Improvement Plan for FY 2008 as

presented by the Virginia Department of Transportation, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

RESOLUTION

At a Public Hearing of the Board of Supervisors of the County of Madison, held y Administration Center located at 414 North Main Street, Madison, Virginia, on Wednesday, March 7, 2006 at 8:00 p.m.:

PRESENT: Eddie Dean, Chairman
 James L. Arrington, Vice-Chairman
 William L. Crigler, Member
 Bob Miller, Member
 Eddie L. Dean, Member
 V. R. Shackelford, III, County Attorney
 Lisa R. Kelley, County Administrator

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each County to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board has previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a Public Hearing on the proposed Plan (2008-2013 through 2011-2012) as well as the Budget Priority List (2008-2013) on March 7, 2007 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Donald Gore, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2008 through 2013) and the Budget Priority List (2008-2013) for Madison County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Madison County and of the citizens residing on the Secondary System, and Secondary Six-Year Plan (2008 through 2013) Budget for FY 2008 are hereby approved as presented at the Public Hearing.

A Copy,

Testee:

Eddie Dean, Chairman
Madison County Board of Supervisors

	Aye	Nay	Absent
Eddie Dean	<u> x </u>	_____	_____
James L. Arrington	<u> x </u>	_____	_____
William L. Crigler	<u> x </u>	_____	_____
Bob Miller	<u> x </u>	_____	_____
Clark Powers	<u> x </u>	_____	_____

Chairman, Eddie Dean thanked Donald Gore for attending tonight's Public Hearing and asked him to keep the Board advised of any updates on additional funding being allocated; he also asked Mr. Gore to work with the residents from Turner Drive and assist them in any way possible (i.e. donation of property easement).

Chairman, Eddie Dean stated that Dwayne Dixon of the Health Department will be attending the Regular Meeting on March 13, 2007 at 4:00 p.m. to discuss issues pertaining to alternative drain fields and concerns regarding regular drain fields being conditional and the reserve is an alternative system as to whether there is a need for a professional engineer to design such a system although it may not be necessary for several more years.

Lisa Kelley, County Administrator, stated she met with Dwayne Dixon and made reference to the section in the County's Subdivision Ordinance that pertains to the approval of a lot and the applicant needing to demonstrate sufficient area for a primary drain field and reserve area (i.e. designation of square footage) and there is also a separate requirement that indicates if the Health Department determines one of the sites doesn't allow for a conventional system, then a non-conventional system can be utilized under certain circumstances (including in the reserve area). She stated the Ordinance also includes a requirement that all non-conventional systems have to be designed by a

professional engineer. She also provided an overview of Dwayne Dixon's interpretation of the Ordinance and stated he felt he was to seek certification of a professional engineer regarding the drain field area and if it was feasible that a system could be designed. She stated that Mr. Dixon advised to know whether the Board would like for him to continue applying the requirements as established in the County's Ordinance or otherwise let the applicant continue without adhering to established requirements.

In closing, she advised that Dwayne Dixon indicated he was willing to interpret the County's Ordinance differently and is open to whatever suggestions the Board advises as how best to comply – however, he plans to attend the Regular Meeting to address his concerns.

Chairman, Eddie Dean stated this issues was mentioned solely to provide insight for the Board as to the upcoming discussion at the next Regular Meeting; he also advised if the conventional system should fail, the homeowner has to attain a new permit and follow all guidelines that apply to installing an alternative system; a review will need to be conducted that time.

William L. Crigler asked who would be responsible to determining whether a conventional drain field should be replaced with an alternative system.

Bob Miller stated this will be first detected by the homeowner; however, Chairman, Eddie Dean stated this issue could be discussed with Dwayne Dixon.

Chairman, Eddie Dean stated there will also be a discussion about roads being constructed above drain fields and whether this can be accomplished.

With no further action to be taken by the Board, on motion of James L. Arrington, seconded by Bob Miller, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: March 8, 2007